

Serial No. 09/522,162  
Art Unit No. 3623

#### REMARKS

Claims 2-10 and 12 are currently pending in the patent application. In the Office Action, the Examiner has rejected Claims 2, 4-6, 8-10 and 12 as unpatentable over Thomas in view of Ackerman; Claim 7 as unpatentable over Thomas in view of Ackerman and Liff; and Claim 3 as unpatentable over Thomas and Ackerman.

The present invention is directed to a business method and computerized method for networked consulting comprising the steps of establishing a predetermined group comprising more than two members; receiving at a central location over a wide-area computer network, within a predetermined first time period, a first message from a first member of the group; a consultant defining a first query based on the first message; sending the first query from the central location to at least a portion of the predetermined group; receiving over the wide-area computer network at the central location, within a predetermined second time period, a message from a second member of the group comprising a response to the first query; preparing an analysis at the central location related to the first query and the response

SMS920010002

-7-

Serial No. 09/522,162  
Art Unit No. 3623

to it; sending the analysis over the wide-area computer network from the central location to the predetermined group; sending the first query from the central location to at least one non-group member if no messages are received within the predetermined second time period; preparing a non-group analysis related to the non-group member responses to the first query; and sending the non-group analysis from the central location to at least the first member of the group. Applicants had previously amended the claims to place those claims in condition for allowance. However, the Examiner has cited new art in rejecting the amended claim language as unpatentable over Thomas in view of other cited art.

The Thomas patent publication teaches a method and apparatus for performing surveys electronically over a network. A survey is prepared by a requester and then a group of survey respondents is selected from a pool of preregistered participants to receive the survey on-line. Applicants reiterate the earlier argument that Thomas does not teach or suggest the step of establishing a predetermined group before a message is received from a first member, wherein that the first member is a member of

SMS920010002

-8-

Serial No. 09/522,162  
Art Unit No. 3623

that group. The Thomas survey requester is not a member of the Thomas group. Further, the group is determined by Thomas after the submission of the survey request, and is not predetermined. Thomas teaches that the survey requester identify desired participants (see: page 5, left column, lines 1-10). As noted by the Examiner in an earlier Office Action, it would bias the results of a query to have the person who generates the query also respond to the query. Accordingly, it would not be obvious, and would teach away from the invention as claimed (and render Thomas unworkable), to have Thomas include the survey requester in the group of survey participants. Applicants reiterate, therefore, that Thomas does not receive messages from a member of the group, wherein the group comprises the respondents.

Applicants also reiterate that the claims expressly call for sending the analysis to the predetermined group, or a portion thereof. Applicants again note that, in Thomas, the survey requester is not a member of the group to which the survey is disseminated. Therefore, sending the survey results to the survey requester is neither the same as nor suggestive of sending the analysis to the group.

SMS920010002

-9-

Serial No. 09/522,162  
Art Unit No. 3623

The present claims expressly recite the step of defining a first query or at least one set of queries based on the first message or set of messages received from one or more group member. The defining step is expressly taught in the Specification at page 5, lines 5-25, and is additionally detailed on page 7, lines 16-18 and page 9, lines 19-21. The present invention does not simply place a request into an electronic survey form. Rather, the content from the message or messages received from a member or members of a predetermined group is provided to a consultant who is "trained to recognize, refine, edit, summarize, and/or rephrase questions...into one or more queries that are potentially answerable" (see: page 5, lines 17-19), and that consultant defines the query. Applicants respectfully assert that the cited publications do not teach or suggest the claimed step of defining the query.

While the Thomas system does receive a survey request from a requester and does insert the request into an electronic survey form for distribution to a selected group of survey participants, Applicants respectfully assert that inserting a request into an electronic survey form is not the same as or suggestive of defining a query as taught by

SMS920010002

-10-

Serial No. 09/522,162  
Art Unit No. 3623

the present application. Applicants have amended the language of the two independent claims, Claims 6 and 12, in order to highlight the distinction between the Thomas step of placing a request into an electronic survey form and the claimed step of a trained consultant defining a query based on one or more received messages.

Applicants next assert that the cited art does not teach or suggest the claimed steps of preparing a non-group analysis as well as a group analysis, as is explicitly claimed in both independent claims. Applicants note that the Examiner cites the Thomas passage from page 2, paragraph 30 against both steps of preparing a group analysis and preparing a non-group analysis. Applicants respectfully assert that the Thomas patent publication simply cannot be interpreted to teach both claimed steps. Since the Thomas system selects its group of survey participants after receipt of its survey request, sends the survey to the group, and collects survey responses from the group, it simply cannot occur that Thomas receives responses from a non-group member. Accordingly, since Thomas does not solicit or receive responses from non-group members, Thomas

SMS920010002

-11-

Serial No. 09/522,162  
Art Unit No. 3623

cannot be interpreted to teach a step of preparing a non-group analysis.

The Examiner has also cited the Ackerman publication teachings against the steps of sending a query to non-group members and preparing a non-group analysis. The Ackerman publication provides an escalation agent (see: page 102, col. 1, paragraph 2) wherein "[i]nstead of the question going to an expert...the question goes to his escalation agent". Ackerman's escalation agent sends a submitted question to successive levels of potential respondents until the requester has received a response. Applicants again note that the present invention provides at least one first message to a consultant for defining of at least one query. Ackerman, on the other hand, expressly teaches that a submitted question does not go to an expert, but is sent to this escalation agent. Clearly Ackerman does not teach or suggest that a first message or set of messages is provided to an expert consultant for preparation of a query or set of queries. Moreover, since Ackerman sends the submitted question off to increasingly larger potential respondents (e.g., chat rooms), it is clear that Ackerman does not teach

SMS920010002

-12-

Serial No. 09/522,162  
Art Unit No. 3623

or suggest the claimed step of establishing a predetermined group.

Applicants respectfully assert that, even if one skilled in the art did combine the teachings of Thomas and Ackerman, the result would be a system wherein a submitted question, in original or reformatted electronic form, would be broadcast to increasingly larger non-predetermined groups of potential respondents. The combined result would not be the invention as claimed since neither reference teaches the steps of establishing a predetermined group, having a consultant define a query or set of queries based on received messages, and receiving responses and preparing analyses as claimed. Accordingly, Applicants request withdrawal of the obviousness rejections.

Claim 7 has been rejected as unpatentable over Thomas in view of Ackerman and Liff. The Examiner relies on the earlier analysis of the Thomas patent publication teachings in combination with Ackerman, and further asserts that Liff teaches requiring group members to respond, since Liff suggests such terms for subscription. Applicants respectfully assert that even if one were to modify Thomas and Ackerman with the Liff subscription teachings, such that

SMS920010002

-13-

Serial No. 09/522,162  
Art Unit No. 3623

the Thomas survey participants would be required to respond, one would not arrive at the present invention since none of Liff, Thomas, or Ackerman teaches the establishing of a predetermined group as claimed, the consultant defining of a query based on a message from a first group member to the group, or the preparing and sending of the analysis to the group, as expressly recited for Claim 7 (in Claim 1 from which it depends).

Claim 3 has been rejected as unpatentable over Thomas and Ackerman, where the Examiner takes "official notice" of additional knowledge that would be imputed to one of ordinary skill in the art. The Examiner states that it would have been obvious to modify the Thomas/Ackerman combination to include a step for the survey requester to review the survey prior to sending the survey to participants. Applicants note that even if such a modification were made, one would not arrive at the invention as claimed since neither Thomas nor Ackerman teaches or suggests the establishing of a predetermined group as claimed, the defining of a query based on a message from a first group member to the group, or the sending of the analysis to the group.

SMS920010002

-14-



Serial No. 09/522,162  
Art Unit No. 3623

In light of the foregoing amendments and remarks,  
Applicants respectfully request entry of the amendments,  
reconsideration and withdrawal of the objections and  
rejections, and issuance of the claims.

Respectfully submitted,

M. Verdi, et al

By: Anne Vachon Dougherty  
Anne Vachon Dougherty  
Registration No. 30,374  
Tel. (914) 962-5910

SMS920010002

-15-